

REMARKS

This paper responds to the final Office Action of Mar. 16, 2009. Prior to entry of this paper, claims 1-32 were pending in this application. Applicant amends claim 1 merely to correct an informality. No claims are canceled or added. Accordingly, claims 1-32 remain pending. No new matter is added.

In the Office Action mailed March 16, 2009, pending claims 1-32 were rejected. More specifically, the status of the application in light of this Office Action is as follows: claims 1-22 and 27-32 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Pub. No. 2001/0026512 ("Nishimura") in view of U.S. Patent Pub. No. 2005/0117222 ("Chiu") and claims 23-26 were rejected under 35 U.S.C. § 103(a) over Nishimura in view of Chiu and U.S. Patent No. 5,053,965 ("Fujimura").

Applicant respectfully traverses these rejections.

The Office relies upon Chiu as teaching features of each of applicant's independent claims and admits that these features are missing from Nishimura. The Office does not point to Fujimura as teaching these features that are missing from Nishimura.

Although applicant respectfully disagrees with the Office's characterization of Chiu, applicant notes that Chiu is not prior art to the instant application. Specifically, Chiu was filed on Apr. 7, 2004 and claims priority to Taiwan Application No. 092133484 which was filed on Nov. 28, 2003 ("Chiu's TW application"). For at least the reasons below, neither Chiu nor Chiu's TW application is prior art to the instant application.

The instant application claims priority to U.S. Provisional No. 60/442,913 which was filed on Jan. 28, 2003. The cover letter and preliminary amendment filed with the instant application on Jan. 27, 2004 indicated the claim of priority. Applicant's claim of priority to the provisional application was perfected by filing the certified translation of the provisional application on June 8, 2007.

Chiu's TW application is not prior art under 35 U.S.C. § 102(e) because it is not a U.S. publication, a U.S. patent, or an international application filed under a 35 U.S.C. § 351(a) treaty. (See MPEP 706.02(f)(1)(I)). For at least these reasons, Chiu's TW application is not effective as prior art against applicant's Jan. 27, 2004 non-provisional filing date. Additionally, Chiu's TW application is not prior art against applicant's Jan. 28, 2003 provisional filing date because it was filed after applicant's provisional application.

Applicant further notes that Chiu is also not prior art against applicant's non-provisional filing date of Jan. 27, 2004 because Chiu was filed on Apr. 7, 2004, which is after applicant's non-provisional filing date of Jan. 27, 2004.

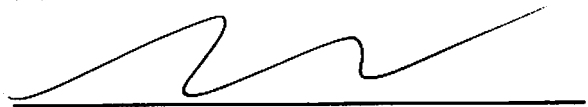
Accordingly, applicant respectfully submits that each of the independent claims is allowable over the combination of Nishimura, Chiu, and Fujimura.

Each of the remaining dependent claims depends from an aforementioned independent claim. Accordingly, each of the remaining dependent claims is allowable based at least on its dependence on one of the independent claims.

Conclusion

In view of the foregoing, the pending claims are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Davin Chin at (206) 359-8000.

Respectfully submitted,
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